

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JULIO CASTILLA,

Plaintiff,

v.

RON VAN BOENING et al.,

Defendants.

CASE NO. C10-5684RJB/JRC

ORDER

This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrates Judges' Rules MJR 1, MJR 3, and MJR 4.


Before the court is plaintiff's motion to have defendants Monson and Arnold held in civil contempt for not accepting service (ECF No. 20). Plaintiff asks that the Attorney General's Office be served on behalf of these defendants (ECF No. 20).

Neither of these defendants received service by mail as the attempt to serve them was returned to court because they no longer work at the facility where service was attempted (ECF No. 11 and 12). Plaintiff has taken no other steps to perfect service.

1 Plaintiff argues the Washington State Attorney General is their legal representative.
2 Plaintiff is in error. Representation by an Assistant Attorney General is addressed in RCW § 4.
3 92.060, which provides that a state employee must request representation by the Attorney
4 General's Office. Further, pursuant to RCW § 4.92.070 the Attorney General's Office must find
5 the employees actions were purported to be within the scope of the employment.
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7 There is nothing before the court to show these defendants are aware of this action, nor
8 that they have requested representation. Accordingly, the motion should be DENIED.

9 DATED this 2nd day of March, 2011.

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12 J. Richard Creatura
13 United States Magistrate Judge
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